



General Assembly

February Session, 2016

Raised Bill No. 5228

LCO No. 1092



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE NOTIFICATION OF DEPARTMENT OF
ADMINISTRATIVE SERVICE PROJECTS, THE DEFINITION OF
"PROJECT" AND REPEALING A PROVISION CONCERNING STATE
AGENCY REPORTING OF CERTAIN CONTRACTOR INFORMATION.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (b) of section 4b-24b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2016*):

4 (b) The commissioner may designate projects to be accomplished on
5 a total cost basis for (1) new facilities to provide for the substantial
6 space needs of a requesting agency, (2) the installation of mechanical
7 or electrical equipment systems in existing state facilities, or (3) the
8 demolition of any state facility that the commissioner is authorized to
9 demolish under the general statutes. If the commissioner designates a
10 project as a designated total cost basis project, the commissioner may
11 enter into a single contract with a private developer which may
12 include such project elements as site acquisition, architectural design

13 and construction. The commissioner shall select a private developer
14 from among the developers who are selected and recommended by the
15 award panels established in this subdivision. All contracts for such
16 designated projects shall be based on competitive proposals received
17 by the commissioner, who shall give notice of such project, and
18 specifications for the project, by [advertising, at least once, in a
19 newspaper having a substantial circulation in the area in which such
20 project is to be located] posting notice on the State Contracting Portal.
21 No contract which includes the construction, reconstruction, alteration,
22 remodeling, repair or demolition of any public building for work by
23 the state for which the total cost is estimated to be more than five
24 hundred thousand dollars may be awarded to a person who is not
25 prequalified for the work in accordance with section 4a-100. The
26 commissioner shall determine all other requirements and conditions
27 for such proposals and awards and shall have sole responsibility for all
28 other aspects of such contracts. Such contracts shall state clearly the
29 responsibilities of the developer to deliver a completed and acceptable
30 product on a date certain, the maximum cost of the project and, as a
31 separate item, the cost of site acquisition, if applicable. No such
32 contract may be entered into by the commissioner without the prior
33 approval of the State Properties Review Board and unless funding has
34 been authorized pursuant to the general statutes or a public or special
35 act.

36 Sec. 2. Section 4b-55 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective July 1, 2016*):

38 As used in this section, section 4b-1, as amended by this act, and
39 sections 4b-56 to 4b-59, inclusive, unless the context clearly requires
40 otherwise:

41 [(a)] (1) "Commissioner" means the Commissioner of Administrative
42 Services;

43 [(b)] (2) "Consultant" means [(1)] (A) any architect, professional

44 engineer, landscape architect, land surveyor, accountant, interior
45 designer, environmental professional or construction administrator,
46 who is registered or licensed to practice such person's profession in
47 accordance with the applicable provisions of the general statutes, or
48 [(2)] (B) any planner or financial specialist;

49 [(c)] (3) "Consultant services" [shall include] includes those
50 professional services rendered by architects, professional engineers,
51 landscape architects, land surveyors, accountants, interior designers,
52 environmental professionals, construction administrators, planners or
53 financial specialists, as well as incidental services that members of
54 these professions and those in their employ are authorized to perform;

55 [(d)] "University of Connecticut library project" means a project to
56 renovate and improve the Homer Babbidge Library at The University
57 of Connecticut;]

58 [(e)] (4) "Firm" means any individual, partnership, corporation, joint
59 venture, association or other legal entity [(1)] (A) authorized by law to
60 practice the profession of architecture, landscape architecture,
61 engineering, land surveying, accounting, interior design,
62 environmental or construction administration, or [(2)] (B) practicing
63 the profession of planning or financial specialization;

64 [(f)] (5) "Priority higher education facility project" means any project
65 which is part of a state program to repair, renovate, enlarge, equip,
66 purchase or construct [(1)] (A) instructional facilities, [(2)] (B) academic
67 core facilities, including library, research and laboratory facilities, [(3)]
68 (C) student residential or related student dining facilities, or [(4)] (D)
69 utility systems related to such projects, which are or will be operated
70 under the jurisdiction of the board of trustees of any constituent unit of
71 the state system of higher education, except The University of
72 Connecticut provided the project is included in the comprehensive
73 facilities master plan of the constituent unit in the most recent state
74 facility plan of the Office of Policy and Management pursuant to

75 section 4b-23, as amended by this act;

76 [(g)] (6) "Project" means any state program requiring consultant
77 services if the cost of such services is estimated to exceed [three] five
78 hundred thousand dollars;

79 [(h)] (7) "Selection panel" or "panel" means the State Construction
80 Services Selection Panel established pursuant to subsection (a) of
81 section 4b-56 or, in the case of a Connecticut Health and Education
82 Facilities Authority project pursuant to section 10a-186a, means the
83 Connecticut Health and Education Facilities Authority Construction
84 Services Panel established pursuant to subsection (c) of section 4b-56;

85 [(i)] (8) "User agency" means the state department or agency
86 requesting the project or the agency for which such project is being
87 undertaken pursuant to law;

88 [(j)] (9) "Community court project" means [(1)] (A) any project to
89 renovate and improve a facility designated for the community court
90 established pursuant to section 51-181c, and [(2)] (B) the renovation
91 and improvement of other state facilities required for the relocation of
92 any state agency resulting from the placement of the community court;

93 [(k)] (10) "Connecticut Juvenile Training School project" means a
94 project [(1)] (A) to develop on a designated site new facilities for a
95 Connecticut Juvenile Training School in Middletown including, but
96 not limited to, preparing a feasibility study for, designing,
97 constructing, reconstructing, improving or equipping said facility for
98 use by the Department of Children and Families, which is an
99 emergency project because there is an immediate need for completion
100 of said project to remedy overcrowding at Long Lane School; said
101 school shall have an annual average daily population of not more than
102 two hundred forty residents; or [(2)] (B) to develop a separate facility
103 for girls including, but not limited to, acquiring of land or buildings,
104 designing, constructing, reconstructing, improving or equipping said
105 facility for use by the Department of Children and Families;

106 [(l)] (11) "Downtown Hartford higher education center project"
107 means a project to develop a higher education center, as defined in
108 subparagraph (B) of subdivision (2) of section 32-600, and as described
109 in subsection (a) of section 32-612, for the regional community-
110 technical college system;

111 [(m)] (12) "Correctional facility project" means any project [(1)] (A)
112 which is part of a state program to repair, renovate, enlarge or
113 construct facilities which are or will be operated by the Department of
114 Correction, and [(2)] (B) for which there is an immediate need for
115 completion in order to remedy prison and jail overcrowding; and

116 [(n)] (13) "Juvenile detention center project" means any project [(1)]
117 (A) which is part of a state program to repair, renovate, enlarge or
118 construct juvenile detention centers which are or will be operated by
119 the Judicial Department, and [(2)] (B) for which there is an immediate
120 need for completion in order to remedy overcrowding.

121 Sec. 3. Subsection (a) of section 4b-57 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective July*
123 *1, 2016*):

124 (a) Whenever consultant services are required by the commissioner
125 in fulfilling the responsibilities under section 4b-1, as amended by this
126 act, and in the case of each project, the commissioner shall invite
127 responses from such firms by [advertisements inserted at least once in
128 one or more newspapers having a circulation in each county in the
129 state] posting notice on the State Contracting Portal, except that the
130 commissioner may receive consultant services under a contract entered
131 into pursuant to subsection (d) of section 4b-51. The commissioner
132 shall prescribe, by regulations adopted in accordance with chapter 54,
133 the advance notice required for, the manner of submission, and
134 conditions and requirements of, such responses.

135 Sec. 4. Section 4a-77 of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective July 1, 2016*):

137 As used in [sections 4a-77 to 4a-80, inclusive] this section and
138 sections 4a-78 and 4a-79:

139 (1) "License" means the whole or part of any public agency permit,
140 certificate, approval, registration, charter or similar form of permission
141 to engage in a profession, trade, business or occupation and any
142 notification required to be made to any public agency that a
143 profession, trade, business or occupation is being engaged in or is
144 expected to be commenced.

145 (2) "Person" means an individual, partnership, society, association,
146 joint stock company, corporation, limited liability company, estate,
147 receiver, trustee, assignee, referee, or any other person acting in a
148 fiduciary or representative capacity, whether appointed by a court or
149 otherwise, or any combination of the foregoing.

150 (3) "Public agency" means any department within the executive
151 branch of state government as listed in section 4-38c.

152 (4) "Commissioner" means the Commissioner of Revenue Services.

153 (5) "Issuing a license" includes the granting, renewing, amending or
154 supplementing a license.

155 Sec. 5. Section 4b-1 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2016*):

157 The Commissioner of Administrative Services shall (1) be
158 responsible for the administrative functions of construction and
159 planning of all capital improvements undertaken by the state, except
160 (A) highway and bridge construction, the construction and planning of
161 capital improvements related to mass transit, marine and aviation
162 transportation, (B) the Connecticut Marketing Authority, (C) planning
163 and construction of capital improvements to the State Capitol building
164 or the Legislative Office Building and related facilities by the Joint
165 Committee on Legislative Management, (D) any project as defined in

166 subdivision (16) of section 10a-109c, undertaken by The University of
167 Connecticut, and (E) construction and planning of capital
168 improvements related to the Judicial Department if such construction
169 and planning do not constitute a project within the meaning of
170 [subsection (g)] subdivision (6) of section 4b-55, as amended by this
171 act, including the preparation of preliminary plans, estimates of cost,
172 development of designs, working plans and specifications, award of
173 contracts and supervision and inspection. For the purposes of this
174 subparagraph (E), the term "Judicial Department" does not include the
175 courts of probate, the Division of Criminal Justice and the Public
176 Defender Services Commission, except where such agencies share
177 facilities in state-maintained courts; (2) select consultant firms in
178 accordance with the provisions of sections 4b-56 to 4b-59, inclusive, to
179 assist in the development of plans and specifications when in the
180 commissioner's judgment such assistance is desirable; (3) render
181 technical advice and service to all state agencies in the preparation and
182 correlation of plans for necessary improvement of their physical
183 plants; and (4) cooperate with those charged with fiscal programming
184 and budget formulation in the development of a capital program and a
185 capital budget for the state.

186 Sec. 6. Subsection (i) of section 4b-23 of the general statutes is
187 repealed and the following is substituted in lieu thereof (*Effective July*
188 *1, 2016*):

189 (i) As used in this subsection, (1) "project" means any state program,
190 except the downtown Hartford higher education center project, as
191 defined in [subsection (l) of] section 4b-55, as amended by this act,
192 requiring consultant services if the cost of such services is estimated to
193 exceed one hundred thousand dollars or, in the case of a constituent
194 unit of the state system of higher education, the cost of such services is
195 estimated to exceed three hundred thousand dollars, or in the case of a
196 building or premises under the supervision of the Office of the Chief
197 Court Administrator or property where the Judicial Department is the
198 primary occupant, the cost of such services is estimated to exceed three

199 hundred thousand dollars; (2) "consultant" means "consultant" as
200 defined in section 4b-55, as amended by this act; and (3) "consultant
201 services" means "consultant services" as defined in section 4b-55, as
202 amended by this act. Any contracts entered into by the Commissioner
203 of Administrative Services with any consultants for employment (A)
204 for any project under the provisions of this section, (B) in connection
205 with a list established under subsection (d) of section 4b-51, or (C) by
206 task letter issued by the Commissioner of Administrative Services to
207 any consultant on such list pursuant to which the consultant will
208 provide services valued in excess of one hundred thousand dollars,
209 shall be subject to the approval of the Properties Review Board prior to
210 the employment of such consultant or consultants by the
211 commissioner. The Properties Review Board shall, not later than thirty
212 days after receipt of such selection of or contract with any consultant,
213 approve or disapprove the selection of or contract with any consultant
214 made by the Commissioner of Administrative Services pursuant to
215 sections 4b-1, as amended by this act, and 4b-55 to 4b-59, inclusive, as
216 amended by this act. If upon the expiration of the thirty-day period a
217 decision has not been made, the Properties Review Board shall be
218 deemed to have approved such selection or contract.

219 Sec. 7. Section 4b-55a of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective July 1, 2016*):

221 Notwithstanding any [provisions] provision of this chapter, [to the
222 contrary,] the Commissioner of Administrative Services may select and
223 interview at least three responsible and qualified environmental
224 professionals, and may negotiate with any one of such professionals a
225 contract which is both fair and reasonable to the state in order to
226 conduct the evaluations required by section 22a-1b for a priority
227 higher education facility project, as defined in [subsection (f) of]
228 section 4b-55, as amended by this act.

229 Sec. 8. Subdivision (1) of subsection (a) of section 4b-91 of the
230 general statutes is repealed and the following is substituted in lieu

231 thereof (*Effective July 1, 2016*):

232 (a) (1) As used in this section, "prequalification classification" means
233 the prequalification classifications established by the Commissioner of
234 Administrative Services pursuant to section 4a-100, "public agency"
235 has the same meaning as provided in section 1-200, [and] "awarding
236 authority" means the Department of Administrative Services, except
237 "awarding authority" means (A) the Joint Committee on Legislative
238 Management, in the case of a contract for the construction of or work
239 on a building or other public work under the supervision and control
240 of the joint committee, or (B) the constituent unit of the state system of
241 higher education, in the case of a contract for the construction of or
242 work on a building or other public work under the supervision and
243 control of such constituent unit and "community court project",
244 "downtown Hartford higher education center project", "correctional
245 facility project", "juvenile detention center project" and "priority higher
246 education facility project" have the same meanings as provided in
247 section 4b-55, as amended by this act.

248 Sec. 9. Subdivision (3) of subsection (a) of section 4b-91 of the
249 general statutes is repealed and the following is substituted in lieu
250 thereof (*Effective July 1, 2016*):

251 (3) The requirements set forth in subdivision (2) of this subsection
252 shall not apply to (A) a public highway or bridge project or any other
253 construction project administered by the Department of
254 Transportation, or (B) a contract awarded by the Commissioner of
255 Administrative Services for (i) any public building or other public
256 works project administered by the Department of Administrative
257 Services that is estimated to cost one million five hundred thousand
258 dollars or less, (ii) a community court project, [as defined in subsection
259 (j) of section 4b-55,] (iii) the downtown Hartford higher education
260 center project, [as defined in subsection (l) of section 4b-55,] (iv) a
261 correctional facility project, [as defined in subsection (m) of section 4b-
262 55,] (v) a juvenile detention center project, [as defined in subsection (n)

263 of section 4b-55,] or (vi) a student residential facility for the
264 Connecticut State University System that is a priority higher education
265 facility project, [as defined in subsection (f) of section 4b-55.]

266 Sec. 10. Subsection (g) of section 4b-91 of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective July*
268 *1, 2016*):

269 (g) Notwithstanding the provisions of this chapter regarding
270 competitive bidding procedures, the commissioner may select and
271 interview at least three responsible and qualified general contractors
272 who are prequalified pursuant to section 4a-100 and submit the three
273 selected contractors to the construction services award panels process
274 described in section 4b-100a and any regulation adopted by the
275 commissioner. The commissioner may negotiate with the successful
276 bidder a contract which is both fair and reasonable to the state for a
277 community court project, [as defined in subsection (j) of section 4b-55,]
278 the downtown Hartford higher education center project, [as defined in
279 subsection (l) of section 4b-55,] a correctional facility project, [as
280 defined in subsection (m) of section 4b-55,] a juvenile detention center
281 project, [as defined in subsection (n) of section 4b-55,] or a student
282 residential facility for the Connecticut State University System that is a
283 priority higher education facility project, [as defined in subsection (f)
284 of section 4b-55.] The Commissioner of Administrative Services, prior
285 to entering any such contract or performing any work on such project,
286 shall submit such contract to the State Properties Review Board for
287 review and approval or disapproval by the board, pursuant to
288 subsection (i) of this section. Any general contractor awarded a
289 contract pursuant to this subsection shall be subject to the same
290 requirements concerning the furnishing of bonds as a contractor
291 awarded a contract pursuant to subsection (b) of this section.

292 Sec. 11. Subsection (j) of section 4b-91 of the general statutes is
293 repealed and the following is substituted in lieu thereof (*Effective July*
294 *1, 2016*):

295 (j) No person whose subcontract exceeds five hundred thousand
296 dollars in value may perform work as a subcontractor on a project for
297 the construction, reconstruction, alteration, remodeling, repair or
298 demolition of any public building or any other public work by the state
299 or a municipality, except a public highway or bridge project or any
300 other construction project administered by the Department of
301 Transportation, which project is estimated to cost more than five
302 hundred thousand dollars and is paid for, in whole or in part, with
303 state funds, unless, at the time of the bid submission, the person is
304 prequalified in accordance with section 4a-100. The provisions of this
305 subsection shall not apply to the downtown Hartford higher education
306 center project, [as defined in subsection (l) of section 4b-55.]

307 Sec. 12. Section 17a-27b of the general statutes is repealed and the
308 following is substituted in lieu thereof (*Effective July 1, 2016*):

309 Notwithstanding any provision of the general statutes or
310 regulations adopted thereunder or any public or special act, the
311 Connecticut Juvenile Training School project, as defined in [subsection
312 (k) of] section 4b-55, as amended by this act, shall be exempt from the
313 provisions of subsections (b) to (i), inclusive, of section 4b-21, sections
314 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12, 22a-14 to 22a-
315 20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

316 Sec. 13. Section 17a-27d of the general statutes is repealed and the
317 following is substituted in lieu thereof (*Effective July 1, 2016*):

318 The Commissioner of Administrative Services may negotiate a sole
319 source contract for the architectural services and design for the
320 Connecticut Juvenile Training School project, as defined in [subsection
321 (k) of] section 4b-55, as amended by this act.

322 Sec. 14. Subsections (b) and (c) of section 22a-1f of the general
323 statutes are repealed and the following is substituted in lieu thereof
324 (*Effective July 1, 2016*):

(b) Environmental impact evaluations shall not be required for the Connecticut Juvenile Training School project, as defined in [subsection (k) of] section 4b-55, as amended by this act, and the extension of such project otherwise known as the Connecticut River Interceptor Sewer Project, or a project, as defined in subdivision (16) of section 10a-109c, which involves the conversion of an existing structure for educational rather than office or commercial use.

(c) A constituent unit of the state system of higher education may provide for environmental impact evaluations for any priority higher education facility project, as defined in [subsection (f) of] section 4b-55, as amended by this act, or for any higher education project involving an expenditure of not more than two million dollars, by (1) reviewing and filing the evaluation for such project with the Office of Policy and Management for its review pursuant to section 22a-1e, or (2) including such project in a cumulative environmental impact evaluation approved by the Office of Policy and Management.

Sec. 15. Section 4a-80 of the general statutes is repealed. (*Effective July 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	4b-24b(b)
Sec. 2	<i>July 1, 2016</i>	4b-55
Sec. 3	<i>July 1, 2016</i>	4b-57(a)
Sec. 4	<i>July 1, 2016</i>	4a-77
Sec. 5	<i>July 1, 2016</i>	4b-1
Sec. 6	<i>July 1, 2016</i>	4b-23(i)
Sec. 7	<i>July 1, 2016</i>	4b-55a
Sec. 8	<i>July 1, 2016</i>	4b-91(a)(1)
Sec. 9	<i>July 1, 2016</i>	4b-91(a)(3)
Sec. 10	<i>July 1, 2016</i>	4b-91(g)
Sec. 11	<i>July 1, 2016</i>	4b-91(j)
Sec. 12	<i>July 1, 2016</i>	17a-27b
Sec. 13	<i>July 1, 2016</i>	17a-27d

Sec. 14	<i>July 1, 2016</i>	22a-1f(b) and (c)
Sec. 15	<i>July 1, 2016</i>	Repealer section

Statement of Purpose:

To require the Commissioner of Administrative Services to post notice of projects on the State Contracting Portal rather than in a newspaper advertisement, to raise the threshold for projects from those exceeding three hundred thousand dollars to those exceeding five hundred thousand dollars, to repeal a provision requiring notification to the Department of Revenue Services regarding certain contractor information for contracts purchasing goods or services or leases with the state and to make technical and conforming changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]